

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

DeSean Lamont Thomas,

Civil No. 17-2790 (DWF/HB)

Petitioner,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

Tom Roy,

Respondent.

The above matter came before the Court upon the Report and Recommendation of the United States Magistrate Judge Hildy Bowbeer dated July 27, 2018. (Doc. No. 50.) No objections have been filed to the Report and Recommendation in the time period permitted.¹ The factual background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference. Based upon the Report and Recommendation of the Magistrate Judge, and all the files, records and proceedings herein, the Court now makes and enters the following:

ORDER

1. Magistrate Judge Hildy Bowbeer's July 27, 2018 Report and Recommendation (Doc. No. [50]) is **ADOPTED**.
2. Petitioner DeSean Thomas's Petition (Doc. No. [1]) is **DENIED**.

¹ On August 16, 2018, Thomas filed untimely objections to the Report and Recommendation. (Doc. No. 57.) The Court has reviewed the objections and notes that they appear to simply reargue the claims in his original Petition. Even if the Court were to consider the untimely objections, they provide no basis for departure from the Magistrate Judge's recommendations.

3. Petitioner DeSean Thomas's Motion to Enforce Writ (Doc. No. [18]) is **DENIED**.

4. Petitioner DeSean Thomas's Expedited Motion to Enter Judgment or in the Alternative Release Petitioner Until Such Judgment is Entered (Doc. No. [19]) is **DENIED**.

5. Petitioner DeSean Thomas's Motion to Stay (Doc. No. [25]) is **DENIED**.

6. Petitioner DeSean Thomas's Motion to Stay in Abeyance (Doc. No. [29]) is **DENIED**.

7. Petitioner DeSean Thomas's Motion for Writ of Mandamus (Doc. No. [31]) is **DENIED**.

8. Petitioner DeSean Thomas's Motion to Amend Name and/or Correct Clerical Error (Doc. No. [37]) is **GRANTED IN PART** to direct the Clerk's Office to change the case heading to reflect Thomas's new legal name and **DENIED IN PART** in all other respects.

9. Petitioner DeSean Thomas's Motion for an Evidentiary Hearing (Doc. No. [42]) is **DENIED**.

10. Petitioner DeSean Thomas's Motion to Order the U.S. Marshal to Transport DeSean Lamont Thomas to USDC for Hearing on July 27, 2018 (Doc. No. [43]) is **DENIED AS MOOT**.

11. Petitioner DeSean Thomas's Motion to Amend (Doc. No. [48]) is **DENIED**.

12. This matter is **DISMISSED WITH PREJUDICE**.

13. No certificate of appealability will be issued.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: September 13, 2018

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge